

2:15-cv-01045-RFB-PAL

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3
4 CUNG LE, et al.,)
5 Plaintiffs,) Case No. 2:15-cv-01045-RFB-PAL
6 vs.) Las Vegas, Nevada
7 ZUFFA, LLC, d/b/a Ultimate) Thursday, September 17, 2020
8 Fighting Championship and) 10:28 a.m.
9 UFC,) STATUS CONFERENCE
Defendants.)

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13 REPORTER'S TRANSCRIPT OF ZOOM VIDEOCONFERENCE PROCEEDINGS

14 THE HONORABLE RICHARD F. BOULWARE, II,
15 UNITED STATES DISTRICT JUDGE
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19 APPEARANCES: See Pages 2 and 3
20

21 COURT REPORTER: Patricia L. Ganci, RMR, CRR
22 United States District Court
23 333 Las Vegas Boulevard South, Room 1334
Las Vegas, Nevada 89101

24 Proceedings reported by machine shorthand, transcript produced
25 by computer-aided transcription.

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10 ALSO PRESENT:
Riche McKnight, Esq., Zuffa

11
12 LAS VEGAS, NEVADA; THURSDAY, SEPTEMBER 17, 2020; 10:28 A.M.

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14 P R O C E E D I N G S

15 THE COURT: Okay, counsel. I appreciate everyone's
16 patience as we get through this difficult technical process.
17 I'm going to call the case of Le, et al., versus Zuffa, LLC, et
18 al., Case Number 2:15-cv-1045.

19 I understand there's only going to be two counsel
20 speaking. So I'd ask just the two of you to identify yourselves
21 for the record. For the plaintiffs?

22 MR. CRAMER: Good day, Your Honor. Good to see you
23 again. Eric Cramer from Berger Montague for the plaintiffs.

24 THE COURT: And for the defendants?

25 MR. ISAACSON: Good to see you, Your Honor. It's Bill

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1 Isaacson again, now with Paul Weiss, for the defendants.

2 THE COURT: Good morning, everyone.

3 Let me just say this for all individuals who are on
4 this call who are muted, and I want to be clear about this, this
5 proceeding cannot be recorded in any way. Anyone who records
6 this proceeding in any way and reproduces that recording or
7 shares that recording will be subject to potential civil or
8 criminal contempt orders. And I want that to be perfectly clear
9 for all of you who are listening, but who may not be
10 participating. Even though this will be a relatively short
11 hearing, the Court doesn't grant anyone permission to be able to
12 record these proceedings.

13 Now, with that, and the reason why I set this status
14 conference is obviously since the end of the proceedings last
15 time we've had a great deal of activity in our country generally
16 as relates to the global pandemic which has affected litigations
17 throughout this country and court operations. But as we get
18 back up to speed in all of these operations, particularly in our
19 district on these civil cases, I wanted to check in with the
20 parties in this case.

21 I am in the process of finalizing my certification
22 order at this point in time. I don't anticipate that there
23 would be anything that has happened as it relates to the
24 pandemic or potentially Zuffa operations that would impact the
25 Court certification order.

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1 However, before I finalize and issued the order, I just
2 wanted to check in with the parties to see if there's something
3 significant in the context of what has transpired around the
4 global pandemic and its impact on this case to see whether or
5 not there's something that I should consider in that context.

6 So, Mr. Isaacson, I will start with you. Is there
7 anything in the context of what has transpired in the past
8 several months that would in any way change the record in this
9 case such that the Court should consider additional information?

10 MR. ISAACSON: We don't have any additional information
11 to submit. Everybody's been personally impacted, as you would
12 understand, but we don't have an additional legal submission to
13 make with respect to the motion.

14 THE COURT: Okay. Thank you, Mr. Isaacson.

15 Mr. Cramer.

16 MR. CRAMER: We have the same view. Everyone's been
17 personally affected, but we don't think that there's anything
18 that's happened that would affect the pending motion.

19 THE COURT: Mr. Cramer and Mr. Isaacson, one other
20 question I have for you, and I'll start with you, Mr. Cramer,
21 is if the Court were to certify the bout class, which it appears
22 from the record that that's most likely going to happen in this
23 case, is there anything else that would need to be addressed in
24 the order as it relates to the case proceeding?

25 MR. CRAMER: We don't think so, Your Honor. Obviously,

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1 we -- we would like to -- we are pleased that the Court is
2 considering granting the bout class, and everything that we've
3 submitted I think -- I don't think we'd have anything to add to
4 what we have submitted to date.

5 THE COURT: And then upon the issuance of the order, if
6 it were to -- if it were to certify the bout class, what would
7 you anticipate would be the next steps? Beyond whatever
8 potential appellate remedies that might be sought in this case
9 under Rule 24, what would be your anticipation of the next steps
10 going forward?

11 MR. CRAMER: Your Honor, I'm glad you asked that. We
12 are very eager to move forward towards trial. We know that
13 Zuffa had filed a summary judgment motion which had been
14 briefed, but Your Honor denied that without prejudice --
15 prejudice pending the outcome of the class certification
16 proceedings. We would imagine that Zuffa would want to refile
17 or file a slightly different summary judgment motion, we would
18 like to respond to that, and then we'd want to move towards
19 trial.

20 So we're eager -- we're eager after a lot of work
21 that's been done, a lot of discovery, both fact and expert, a
22 lot of work by the Court to move this case towards trial. So
23 that's -- that's our goal. We would like summary judgment to be
24 briefed and ruled upon and then a trial date to be set. That's
25 our goal.

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1 THE COURT: Right.

2 Then, Mr. Isaacson, from your perspective, again if the
3 Court were to certify the bout class, as I've said is likely to
4 happen, what would be the next steps?

5 And, again, I haven't finalized the order so I just
6 want to be clear. That's not a final statement at this point in
7 time, but that's what I think is the likely direction of this
8 case.

9 Mr. Isaacson?

10 MR. ISAACSON: Understood, Your Honor. If -- if you do
11 issue such an order, it would be important to us that the
12 opinion come out at the same time because the -- we would be
13 looking at, as we've discussed the last time we were together,
14 potential appeal and ...

15 THE COURT: Short time.

16 MR. ISAACSON: Yeah, well, a short time and we want --

17 THE COURT: Right.

18 MR. ISAACSON: We would appreciate that.

19 And counsel is quite correct that we briefed summary
20 judgment. The Court denied those without prejudice, indicating
21 we were going to have additional evidence at the class
22 certification hearings. And so we would want to look to
23 revising those, and we'll also want to see your opinion.

24 The same thing happened with the Daubert motions. We
25 filed Daubert motions. Those were denied without prejudice.

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1 And so after your opinion, we would also take a look at those.

2 I think the best thing that would -- I'm sure
3 plaintiffs will cooperate in this. We -- after your orders, we
4 would get-together and meet and confer about a briefing
5 schedule.

6 THE COURT: Okay. I just wanted to make sure that if
7 in the context of the order that I would issue, and of course
8 you would receive the written opinion, Mr. Isaacson and
9 Mr. Cramer, if there's anything that would need to be covered in
10 that as I finalized the order. I just wanted to make sure that
11 I'm not leaving anything out in terms of the status of where the
12 case is and what would be the next steps.

13 I mean, obviously if I were ultimately to decide not to
14 certify the class, then that would be a completely separate
15 issue, but it seems to me that there's a -- that there's a
16 separate track if the case goes forward on the bout class, which
17 as I said I think is the probable likely outcome at this point
18 in time. But I just am finalizing the order and I want to make
19 sure it's complete.

20 All right then. Is there anything else that we need to
21 address today as it relates to the case moving forward, but with
22 the issuance of the Court's certification order? Mr. Isaacson?

23 MR. ISAACSON: Nothing today, Your Honor.

24 THE COURT: Mr. Cramer?

25 MR. CRAMER: No. Thank you, Your Honor.

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1 THE COURT: All right. Thank you all. I appreciate
2 you appearing. Everyone be well and be safe in these very
3 difficult and challenging times. We will be adjourned. Thank
4 you.

5 MR. ISAACSON: Thank you for that, Your Honor.

6 MR. CRAMER: Thank you, Your Honor.

7 (Whereupon the proceedings concluded at 10:36 p.m.)

8 --oOo--

9 COURT REPORTER'S CERTIFICATE

10

11 I, PATRICIA L. GANCI, Official Court Reporter, United
12 States District Court, District of Nevada, Las Vegas, Nevada,
13 certify that the foregoing is a correct transcript from the
14 record of proceedings in the above-entitled matter.

15

16 Date: September 18, 2020.

17

/s/ Patricia L. Ganci

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Patricia L. Ganci, RMR, CRR

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CCR #937

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